

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Panchayats – Revision Petition filed by Sri R. Shankar Nayak Sarpanch, (Removed) Thungathurthy Gram Panchayat of Pedavooru Mandal of Nalgonda District – Against the proceedings of the District Collector (PW), Nalgonda District – Revision Petition - Allowed – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 1356

Date: 22- 08-2011.

Read the following:

1. From the Dist. Collector, Nalgonda Dist., Procds. No.1324/09-B1(Pts), Dated 30-04-2010.
2. Revision Petition received from Sri R. Shankar Nayak Sarpanch, (U/S) Thungathurthy Gram Panchayat of Pedavooru Mandal of Nalgonda District, dt. 08-07-2010.
3. Govt.Memo.No.16167/Pts.II/A1/2010-1, Dt.27.7.2010.
4. Revision Petition received from Sri R. Shankar Nayak Sarpanch, (Removed) Thungathurthy Gram Panchayat of Pedavooru Mandal of Nalgonda District, dt. 31-07-2010.
5. From the Dist. Collector, Nalgonda Dist., Procds. No.1324/09-B1 (Pts)-2, Dated 28-07-2010.
6. Govt.Memo.No.16167/Pts.II/A1/2010-3, Dt.20.9.2010.
7. From the Dist. Collector, Nalgonda Dist., Procds. No.1324/09-B1 (Pts), Dated 30-08-2010.
8. From the Dist. Collector, Nalgonda Dist., Procds. No.1324/09-B1 (Pts)-2, Dated 27-09-2010.

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ORDER:

In the reference 1st read above, the District Collector (PW), Nalgonda District has suspended Sri R. Shankar Nayak from the post of Sarpanch, Thungathurthy Gram Panchayat of Pedavooru Mandal of Nalgonda District U/s 249(6) of Andhra Pradesh Panchayat Raj Act, 1994 for misuse of powers.

2. Aggrieved by the said orders, in the reference 2nd read above, Sri R. Shankar Nayak Sarpanch, (Removed) Thungathurthy Gram Panchayat of Pedavooru Mandal of Nalgonda District has filed an Revision Petition before Government requesting to suspended the proceedings of the District Collector (PW), dated 30-04-2010.

3. In the reference 3rd read above, Government while granting stay against the Proceedings of District Collector (PW), Nalgonda has requested the District Collector to furnish his report for taking further action.

4. In the reference 4th read above, Sri R. Shankar Nayak, Sarpanch (Removed), Thungathurthy Gram Panchayat of Pedavooru Mandal of Nalgonda District while enclosing copies of the reference 5th read above, has requested the Government to stay the proceedings of the Dist. Collector (PW), Nalgonda dt. 28.7.2010.

5. In the reference 6th read above, while granting stay against the proceedings of the District Collector (PW), Nalgonda District issued vide reference 5th read above, has requested the District Collector (PW), Nalgonda District to furnish his report in the matter for taking further action.

6. In reference 7th & 8th read above, the District Collector (PW), Nalgonda have reported that the Divisional Panchayat Officer, Miryalaguda has submitted a report on 15-12-2009 against the Sarpanch wherein he has reported that the Sarpanch has misappropriated an amount of Rs. 1,01,633/- from the Gram Panchayat funds, Rs. 36,261/- from TFC and 24,905/- from SFC funds. Based on the report, cheque powers were restricted and authorized the MPDO, Peddavooru to counter sign on the cheques presented by the Sarpanch. Thereafter a show cause notice have been issued

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against the Sarpanch duly framing (3) allegations for submission of his explanation u/s 265 (1) for recovery and 249 (1) for removal under APPR Act, 1994. The Sarpanch has submitted his explanation with a request to withdraw the allegations levelled against him. The same was referred to Divisional Panchayat Officer, Miryalguda for his findings. The Divisional Panchayat Officer has submitted his remarks and based on the remarks, the Sarpanch has been placed under suspension with a direction to remit the misappropriated amount of Rs. 1,39,045/- into the Gram Panchayat funds other wise he will be removed from the office of the Sarpanch, Gram Panchayat Thungathurthy of Peddavoora Mandal and recover orders will be issued authorizing the MPDO, Peddavoora to recover the misappropriated amount.

7. Further the Mandal Parishad Development Officer, Peddavoora Mandal has been appointed as Enquiry Officer against the suspended Sarpanch, Gram Panchayat, Thungathurthy of Peddavoora Mandal and requested to submit his report within (15) days. The Mandal Parishad Development Officer, Peddavoora has submitted that the enquiry was not conducted, as he has declared the date of enquiry on 06-07-2010, but as there was JMLBC meeting, the enquiry was postponed to 09-07-2010, but the Sarpanch has submitted medical certificate on 09-07-2010 stating that he is suffering with ill health, so the enquiry was not conducted.

8. After examination of the records, it has found that the allegations levelled against Sri Ramavath Shankar Nayak, Sarpanch, Gram Panchayat, Thungathurthy of Peddavoora Mandal are proved hence he was removed from the Office of the Sarpanch, Gram Panchayat, Thungathurthy U/s. 249(1) and also issued recovery orders U/s.265(1) for the recovery of misappropriated amount of Rs.1,38,810/- within (45) days and authorized to the Mandal Parishad Development Officer, Peddavoora to recover the said amount under RR Act read with G.O.Ms.No.118 (Rev.), dated. 18.3.2002.

9. The case was heard on 09.08.2011. The District Panchayat Officer and the Sarpanch have attended the hearings. The District Panchayat Officer has explained in detail about the circumstances leading the removal of the sarpanch. The sarpanch has executed the developmental activities and submitted the details to the District Panchayat Officer and the required records are available with the District Panchayat Officer. After hearing them and on perusal of records made available, it is observed that the sarpanch has executed the developmental activities in the Gram Panchayat and there is an only procedural lapse.

10. Government after careful examination of the matter and material on record and by taking a lenient view, hereby allow the Revision Petition filed by Sri R. Shankar Nayak Sarpanch, (Removed), Thungathurthy Gram Panchayat of Peddavoora Mandal of Nalgonda District by setting aside the proceedings of the District Collector (PW) Nalgonda issued vide reference 5th read above

11. The District Collector (PW), Nalgonda District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The District Collector (PW), Nalgonda District.
The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.
The District Panchayat Officer, Nalgonda District.

Copy to:

Sri R. Shankar Nayak Sarpanch, (Removed) Thungathurthy Gram Panchayat of
Peddavoora Mandal of Nalgonda District
The Government Pleader for (PR&RD), High Court of A.P. Hyderabad.
The P.S. to M(PR&RWS)
The P.S to Prl. Secy.(Pts.)
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER